UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,764	09/12/2003	Steve Klotz	15436.252.7.1	8157

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EXAMINER
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ART UNIT	PAPER NUMBER
2455	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/661,764	KLOTZ ET AL.
	Examiner	Art Unit	
	SHAWKI S. ISMAIL	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 October 2008*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,6 and 9-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4, 6, and 9-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/28/08*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

RESPONSE TO AMENDMENT

1.   This communication is responsive to the amendments and/or arguments received on

October 28, 2008.

Claims 1-4, 6, and 9-21 are pending further examination.

References in applicant's IDS form 1449 received on October 28, 2008.

The Previous Rejection Maintained

2.   The rejection is respectfully maintained as set forth in the last Office Action mailed on

July 28, 2008. Applicants' arguments have been fully considered but they are not persuasive and

the previous rejection is maintained.

Claim Rejections - 35 USC §102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use
or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-4, 6, and 9-21, are rejected under 35 U.S.C. 102(b) as being anticipated by

Anderson et al U.S. Patent No. **5,850,388.**

5.   As to claim 1, Anderson teaches a method for analyzing a network, comprising:

processing a data trace captured from the network to determine a network topology (col.

9, lines 16-21 and col. 11, lines 57-67, the topology is determined by monitoring and recording

stations that are in the network);

processing the data trace to determine errors in a network conversation (col. 12, lines 7-15, determining errors in the network);

processing the data trace to determine at least one metric for the network conversation (col. 4, lines 58 - col. 5, lines 27), network parameters are monitored and analyzed to see if they constitute events in the network);

displaying an interface screen to the user, the interface screen comprising a graphical topology representation, a determined error representation, and a representation of at least one determined metric (col. 22, lines 50-61, User Interface (UI) is capable of displaying any station-level statistic, network statistic, event information, and protocol distribution (discussed above) which the user requests to see and which the protocol analyzer instrument can capture and report to the UI);

wherein displaying the determined error representation further comprises highlighting a portion of a metric graph that corresponds to a particular error when a user selects the particular error (Fig. 20, illustrates how a split-screen display can be used to highlight one ISO protocol layer, instantly revealing usage by the protocols detected on the network).

6.   As to claim 2, Anderson teaches the method of claim 1, wherein displaying further comprises providing a link in the interface screen wherein a user may select devices in the determined network topology and link to a second display to view errors corresponding to the selected devices (col. 30, lines 26-57, the user can obtain detailed definitions of statistics and events as well as possible causes of each type of event by double-clicking the PC's pointing device on the event or statistic displayed by the user interface. A window is opened on a display

containing a detailed definition of the event or statistic as well as a brief discussion of the possible causes and ramifications of the event).).

7.   As to claim 3, Anderson teaches the method of claim 1, wherein displaying further comprises:

allowing a user to select an analysis duration within the data trace in the interface screen (col. 17, lines 25-31);

processing the trace data for the selected analysis duration to determine a state of each device in the network topology for a predetermined number of intervals in the analysis duration (col. 17, lines 25-31); and

displaying at least one error and at least one metric for the analysis duration (col. 17, lines 25-31)

8.   As to claim 4, Anderson teaches the method of claim 1, wherein displaying the determined error representation further comprises linking to a detailed error description in a second display when the user selects a particular error (col. 30, lines 26-39, the user can obtain detailed definitions of statistics and events as well as possible causes of each type of event by double-clicking the PC's pointing device on the event or statistic displayed by the user interface. A window is opened on a display containing a detailed definition of the event or statistic as well as a brief discussion of the possible causes and ramifications of the event).

9.   As to claim 6, Anderson teaches a method for analyzing a network and displaying analysis results to a user in an interactive display, comprising:

capturing a data trace from the network with at least one analyzer (col. 4, lines 58 - col. 5, lines 27), an analyzer for monitoring and capturing data on a network);

processing the data trace to determine a topology of the network (col. 9, lines 16-21 and col. 11, lines 57-67, the topology is determined by monitoring and recording stations that are in the network);

processing the data trace to determine the presence of errors in communications between devices in the network topology (col. 12, lines 7-15, determining errors in the network);

displaying a graphical user interface to the user, the graphical user interface comprising a first display screen containing a graphical representation of devices detected in the network topology (col. 22, lines 50-61, User Interface (UI) is capable of displaying any station-level statistic, network statistic, event information, and protocol distribution (discussed above) which the user requests to see and which the protocol analyzer instrument can capture and report to the UI); and

linking the user to a second display screen containing errors determined in association with a particular device in the topology when the user selects the particular device in the first (col. 30, lines 26-39, The user can obtain detailed definitions of statistics and events as well as possible causes of each type of event by double-clicking the PC's pointing device on the event or statistic displayed by the user interface. A window is opened on a display containing a detailed definition of the event or statistic as well as a brief discussion of the possible causes and ramifications of the event).

10.   As to claim 9, Anderson teaches the method of claim 6, further comprising linking the user to a third display screen having a description of a particular error when the user selects the particular error on the second display screen (col. 30, lines 26-39).

11.   As to claim 10, Anderson teaches the method of claim 21, wherein displaying metrics comprises highlighting a portion of the displayed metrics corresponding to the particular error (col. 30, lines 26-39).

12.   As to claim 11, Anderson teaches the method of claim 10, further comprising allowing the user to define a viewing duration and redisplaying the metrics using the user defined duration (col. 4, lines 58 - col. 5, lines 27).

13.   As to claim 12, Anderson teaches the method of claim 11, wherein redisplaying the metrics further comprises recalculating a state of each device in the network for a plurality of intervals within the user selected duration and displaying the metrics for each of the intervals (col. 4, lines 58 - col. 5, lines 27).

14.   As to claim 13, Anderson teaches the method of claim 6, wherein the processing steps further comprise filtering the data to eliminate invalid data prior to determining generating the topology or error lists (col. 10, lines 20-40).

15.   As to claim 14, Anderson teaches a method for analyzing a network and presenting the network analysis to the user, comprising:

        determining a network topology (col. 9, lines 16-21 and col. 11, lines 57-67, the topology is determined by monitoring and recording stations that are in the network);

        determining communication errors between devices in the network topology (col. 12, lines 7-15, determining errors in the network);

determining at least one communication metric (col. 4, lines 58 - col. 5, lines 27),

network parameters are monitored and analyzed to see if they constitute events in the network);

displaying the determined network topology to the user (col. 22, lines 50-61, User

Interface (UI) is capable of displaying any station-level statistic, network statistic, event

information, and protocol distribution (discussed above) which the user requests to see and

which the protocol analyzer instrument can capture and report to the UI); and

providing links between each device in the determined topology and determined errors

corresponding to each device, each link operating to display a screen illustrating a description of

the error for the device and the location of the error in the network topology (col. 30, lines 26-39,

The user can obtain detailed definitions of statistics and events as well as possible causes of each

type of event by double-clicking the PC's pointing device on the event or statistic displayed by

the user interface. A window is opened on a display containing a detailed definition of the event

or statistic as well as a brief discussion of the possible causes and ramifications of the event).

16.   As to claim 15, Anderson teaches the method of claim 14, wherein determining network

topology comprises analyzing a network data trace for device indicators (col. 4, lines 58 - col. 5,

lines 27).

17.   As to claim 16, Anderson the teaches method of claim 14, further comprising displaying

the at least one communication metric in a graph (col. 4, lines 58 - col. 5, lines 27).

18.   As to claim 17, Anderson teaches the method of claim 14, further comprising providing a

selection window for the user to select an analysis duration, recalculating the errors and metrics

for a plurality of intervals in the analysis duration, and displaying the errors and metrics for the

analysis duration to the user (col. 4, lines 58 - col. 5, lines 27).

19.   As to claim 18, Anderson teaches the method of claim 14, wherein determining a network

topology and determining communication errors further comprises filtering trace data for invalid

communications (col. 10, lines 20-40).

20.   As to claim 19, Anderson teaches the method of claim 18, further comprising

determining the topology, network errors, and the metrics based on the filtered trace data (col.

10, lines 20-40).

21.   As to claim 20, Anderson teaches the method of claim 14, further comprising providing a

selection window where the user can select metrics for inclusion in a graphical representation of

the metrics (col. 10, lines 20-40).

22.   As to claim 21, Anderson teaches the method of claim 9, wherein displaying a graphical

user interface further comprises displaying metrics for the communications between devices in

the network topology (col. 30, lines 26-39).

Prior Art of Record

23.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior

art.

Response to Arguments

Applicants' arguments have been fully considered however they are not deemed to be

persuasive. Applicant argues in substance that Anderson fails to teach "displaying an interface screen

to the user, the interface screen comprising...a determined error representation,...wherein displaying the determined

error representation further comprises highlighting a portion of a metric graph that corresponds to a particular error

when a user selects the particular error."

In response Claim 1 requires in part displaying the determined error representation and further comprises highlighting a portion of a metric graph that corresponds to a particular error when a user selects the particular error. The claim is broad in that neither a specific time nor a specific order is claimed in the representation. Anderson states displaying statistical information in report formats selected by an operator of specific *metrics along with baseline graphs simultaneously*. The two graphs are analyzed against thresholds to determine an error. This constitutes an event (see col. 5, lines 2-13). This error is stored as a baseline for future uses (col. 29, lines 50-54). Therefore, in future runs, when a user selects the baseline, he/she selects the error event of the previous run. *The baseline error that has been selected is then highlighted on the display in a subsequent run*. The highlighting is further evidenced by the **simultaneous displaying of the error event and real-time performance** of the network (see col. 5, lines 2-13). As is evident, figures 9 and 10 of the instant application and the corresponding specification relate to a similar graph view taught by Anderson. By introducing Figure 20 of Anderson, it was my intent to explain that the network statistics compared to the baselines as shown in figures 19A-B can be further explored by highlighting a specific layer's network statistics. New errors or events are shown in subsequent figure 21 in which each event can be expanded for a detailed view (col. 30, lines 25-28).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The

examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh

Najjar can be reached at 571-272-4006. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawki S Ismail/
Examiner, Art Unit 2455
January 31, 2009

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455